



REMARKS

Claims 1-20 are pending in the application.

Applicants note that the Examiner has indicated that claims 5, 6, and 14 would be allowable if rewritten in independent form. As such, Applicant has amended these claims to be in independent form.

Upon careful consideration of the other matters raised in the Office Action, Applicants provide the following comments.

Claim Rejections – 35 U.S.C. § 112

Claims 3 and 4 are rejected as indefinite. Applicants request that these claim rejections be withdrawn due to the claim amendments. These claims now clearly state “...wherein the residue Y has one or more of the following groups” as suggested by the Examiner.

Non-Statutory Obviousness Double-Patenting

Claims 1-4, 7-13, and 15 are provisionally rejected under the judicial doctrine of obviousness-type double patenting in light of claims 1-18 of copending App. No. 09/811,822. The Examiner asserts that the respective claims are not patentably distinct from each other even though the conflicting claims are not identical.

As this is a provisional rejection, Applicants reserve the right to provide further comment or file a terminal disclaimer if App. No. 09/811,822 matures into a patent.

Claim Rejections – 35 U.S.C. § 103

Claim 16 is rejected based upon copending App. No. 09/811,822 in view of Alkemper (US 6,362,251) for the reasons discussed on page 5 of the April 10, 2002 Office Action.

Claims 1-4, 7-13, 15-16 are also rejected as obvious based upon App. No. 09/811,822 in view of Alkemper for the reasons discussed on pages 6 and 7 of the April 10, 2002 Office Action.

Applicants respectfully request that these rejections be withdrawn in accordance with 35 U.S.C. § 103(c) because App. No. 09/811,822 should be disqualified as 102(e) prior art.

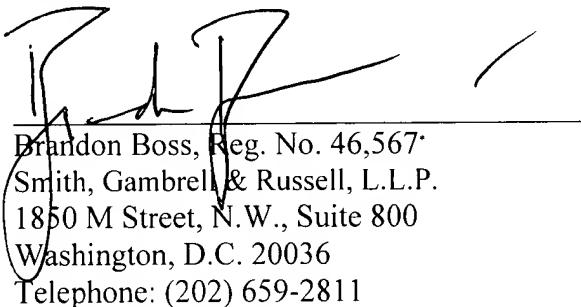
Statement Concerning Common Ownership

Applicants submit that App. No. 09/821,757 and App. No. 09/811,822 were, at the time the invention of App. No. 09/821,757 was made, owned by or subject to an obligation of assignment to Degussa Dental GmbH & Co. KG.

CONCLUSION

Applicants respectfully request allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,


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Date: July 10, 2002

Signature:

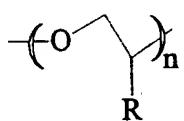
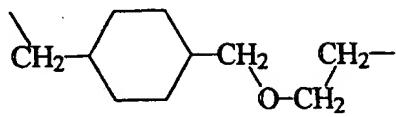
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* Practice is limited to matters and proceeding before federal courts and agencies.



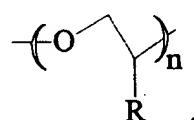
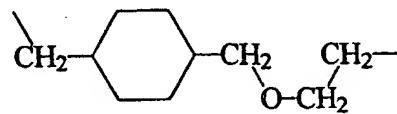
Marked up version of the claims
App. No. 09/821,757
Docket: 041724.003

3. (amended) The dental material according to Claim 1, wherein the residue Y has one or more of the following groups:



wherein R represents hydrogen or methyl; and n represents a whole number in the range of 1-10.

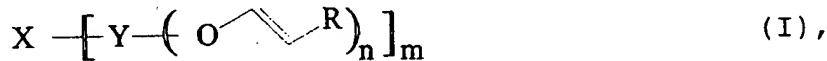
4. (amended) The dental material according to Claim 2, wherein the residue Y has one or more of the following groups:



wherein R represents hydrogen or methyl; and n represents a whole number in the range of 1-10.

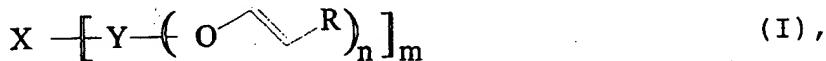


5. (amended) [The dental material according to claim 1], A dental material comprising at least one cationically polymerizable monomer as a binder, a polymerization initiator, and based on the dental material, 1-95 wt% of at least one inorganic filler, said binder containing at least one monomer of formula (I):



wherein R represents hydrogen, a methyl or ethyl group; X and Y independently represent an unsubstituted or substituted aliphatic, cycloaliphatic, or aromatic residue with 1-100 carbon atoms, wherein one or more CH₂ groups can be replaced by O, C=O, -CO₂, -SiR¹₂-, and/or -SiR¹₂O-, wherein R¹ independently represents an alkyl or alkoxy or aryl residue with 1-10 C atoms; n represents a whole number of 1-3; and m represents a whole number of 2-5; and wherein the monomers of formula (I) have a molecular weight in the range of 300-3000.

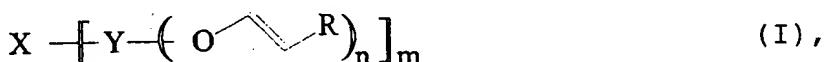
6. (amended) [The dental material according to claim 1], A dental material comprising at least one cationically polymerizable monomer as a binder, a polymerization initiator, and based on the dental material, 1-95 wt% of at least one inorganic filler, said binder containing at least one monomer of formula (I):



wherein R represents hydrogen, a methyl or ethyl group; X and Y independently represent an unsubstituted or substituted aliphatic, cycloaliphatic, or aromatic residue with 1-100 carbon atoms, wherein one or more CH₂ groups can be replaced by O, C=O, -CO₂, -SiR¹₂-, and/or -SiR¹₂O-, wherein R¹ independently represents an alkyl or alkoxy or aryl residue with 1-10 C atoms; n represents a whole number of 1-3; and m represents a whole number of 2-5; and wherein the binder has a viscosity in the range of 1 mPa·s to 1000 mPa·s.



14. (amended) [The dental material according to claim 1] A dental material comprising at least one cationically polymerizable monomer as a binder, a polymerization initiator, and based on the dental material, 1-95 wt% of at least one inorganic filler, said binder containing at least one monomer of formula (I):



wherein R represents hydrogen, a methyl or ethyl group; X and Y independently represent an unsubstituted or substituted aliphatic, cycloaliphatic, or aromatic residue with 1-100 carbon atoms, wherein one or more CH_2 groups can be replaced by O, C=O, $-\text{CO}_2-$, $-\text{SiR}^1_2-$, and/or $-\text{SiR}^1_2\text{O}-$, wherein R^1 independently represents an alkyl or alkoxy or aryl residue with 1-10 C atoms; n represents a whole number of 1-3; and m represents a whole number of 2-5; and wherein the flexural strength [thereof] of the dental material is $\geq 30 \text{ N/mm}^2$ in accordance with DIN 53 452, and/or the modulus of elasticity [thereof] of the dental material is $\geq 500 \text{ N/mm}^2$ in accordance with DIN 53 457.

17. (new) The dental material of claim 16, wherein the flexural strength of the dental material is $\geq 100 \text{ N/mm}^2$ in accordance with DIN 53 452, and/or the modulus of elasticity of the dental material is $\geq 100 \text{ N/mm}^2$ in accordance with DIN 53 457.

18. (new) The dental material of claim 1, wherein the filler has a particle size of $0.02\text{-}100 \mu\text{m}$.

19. (new) The dental material of claim 1, wherein the filler has a particle size of $0.1\text{-}5 \mu\text{m}$.

20. (new) The dental material of claim 1, wherein the binder has a viscosity in the range of 1 mPa·s to 6 Pa·s.